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Criminal Law & Procedure, Habeas Corpus

Powell v. Tompkins, No. 13-1310

Denial of petition for federal habeas relief pursuant to 28 U.S.C. section 2254 is affirmed where: 1) the state criminal procedure requirement, that a defendant accused of unlawful possession of a firearm bear the burden of producing evidence of a proper license as an affirmative defense, comports with federal due process and petitioner failed to establish that the state court decision conflicts with clearly established Supreme Court precedent; and 2) petitioner's Second Amendment and Equal Protection claims provide no basis for disturbing his state convictions.

Banking Law, Property Law & Real Estate

Matt v. HSBC Bank, USA N.A., No. 13-2209

In an action to avert foreclosure proceedings in state court, the case is dismissed as moot where, while the appeal was pending, plaintiff and a servicer acting on behalf of defendant renegotiated the terms of her existing mortgage loan, and as a result, her mortgage loan is current and she is no longer subject to any actual or threatened foreclosure proceedings.

ERISA

McDonough v. Aetna Life Ins. Co., No. 14-1293

In an ERISA action concerning the operation of an "own occupation" test within the definition of disability contained in a long-term disability (LTD) plan and the operation of ERISA's penalty provision for late disclosure or non-disclosure of relevant plan documents, the district court's judgment is: 1) vacated as to its entry of summary judgment with respect to termination of disability benefits; but 2) affirmed as to its imposition of a \$5,000 penalty for the belated production of a plan document.

Criminal Law & Procedure, Sentencing

US v. Arroyo-Blas, No. 13-1613

Denial of appeal of sentence for various drug crimes is affirmed where the waiver of appeal in defendant's plea agreement must be enforced.